

Board of Commissioners

November 18, 2008 – 2:33 pm

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Property Maintenance Ordinance

Debbie Steinkamp reviewed the work of the Property Maintenance Task Force over the last two years. She presented the commissioners with a letter of support from Leadership Spencer County, which suggested a review of the ordinance 18 months after its implementation.

Logsdon expressed concern over people who are in violation but cannot afford to have the problem corrected. Steinkamp and Sanitarian Rita Stallings both stated that Solid Waste and the health department want to work with people to help them. They do not intend for the ordinance to punish people who do not have the means to take care of the problem themselves.

Logsdon made a motion to have the Property Maintenance Ordinance No. 2008-14 enacted on January 1, 2009, and to have a hearing the first week in July, 2009 to review. Logsdon stated that six months is long enough to wait to review the effectiveness of the ordinance. Rininger seconded. The motion passed with a vote of two to one with Gogel opposing. This will count as the first reading, since fines are involved and it was not a unanimous vote. A second reading and vote will be had at the next meeting.

Water Heater Emergency

Sheriff Lindsey and Jail Maintenance Supervisor Jim Higdon discussed the hot water tank failure at the jail. Higdon stated it is beyond repair and the only working hot water heater is the same age as the one which failed. Higdon recommended getting the whole system replaced. He further recommended going to a tankless water heater, which will save the county money in the cost of replacement and in energy costs over time. Higdon obtained quotes from Young Plumbing for \$28,300 and Hagerman for \$34,600. Lueken explained that with an emergency declaration, the normal bid requirements do not apply.

Commissioner Meeting 11/18/2008 cont.

Gogel made a motion stating that the hot water heater in the jail failed; since time is of the essence, quotes have been secured, an emergency declared, and the lower quote from Young Plumbing is accepted. Logsdon seconded. All in favor.

Johnson Control Contract

The commissioners were sent a renewal for the Johnson Control service contract at the jail. Logsdon made a motion to table the discussion until the commissioners, Johnson Control, the Sheriff, and Dillingham can all sit down and discuss how they can work together. Gogel seconded. All in favor.

Topography Layer for GIS

Plan Commission Administrator Theresa Cail gave a demonstration of the new topography layer which can be added to the county's GIS system and compared it to the current topography layer. The current layer is measured in 20 foot intervals. The new layer is done in 5 foot intervals. Discussion was had on the benefits to the Plan Commission, Health Department, Surveyor, Assessor, and EMA. Rininger stated that Assessor Arnold agreed to pay \$1,000 of the cost out of Reassessment, leaving a balance of \$2,000. Cail stated that this will be a one time cost. Logsdon made a motion to have the topography layer added to the county's GIS system. Gogel seconded. All in favor.

District 10 Homeland Security

Madison Seib, representing Indiana District 10 Homeland Security, discussed a change in an upcoming meeting and the appointment of Rininger as President of the District 10 Oversight Committee.

ATV Ordinance

Lueken discussed the ATV Ordinance he drafted. Discussion was had. Gogel made a motion to approve Ordinance 2008-15 An Ordinance of Spencer County Providing for the Operation of Off-Road Vehicles on County Highways. The ordinance reads as follows:

SPENCER COUNTY ORDINANCE NO. 2008-15
AN ORDINANCE OF SPENCER COUNTY
PROVIDING FOR THE OPERATION OF
OFF-ROAD VEHICLES ON COUNTY HIGHWAYS

WHEREAS, I.C. 14-16-1-22 allows a county to pass an ordinance regulating the operation of off-road vehicles if the ordinance meets substantially the minimum requirements of I.C. 14-16-1; and

WHEREAS, the Board of Commissioners of Spencer County, Indiana desire to permit and regulate the operation of off-road vehicles on Spencer County Highways in the county road system outside of the corporate limits of a city or town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF SPENCER, STATE OF INDIANA:

SECTION 1. Off-road vehicles, as that term is defined under I.C. 13-16-1-7, if appropriately registered as required under I.C. 14-16-1, and if operated by an individual who has a valid motor vehicle driver's license as required under I.C. 14-16-1-20(c), may be operated on the public county highways of Spencer County, Indiana, which are not highways in the Indiana State Highway System and which are not within the corporate boundaries of any city or town.

SECTION 2. The off-road vehicle must meet those standards of headlight, taillight, and brakes required under I.C. 14-16-1-21.

SECTION 3. The operator of an off-road vehicle must adhere to the restrictions on operation established under I.C. 14-16-1-23 and the duties in case of accident established under I.C. 14-16-1-24.

SECTION 4. Any person operating an off-road vehicle on a Spencer County Highway shall have liability insurance specifically for such off-road vehicle in accordance with the minimum insurance required for the operation of other motor vehicles on public highways.

SECTION 5. Any operator of an off-road vehicle shall carry in his or her possession any registration required under I.C. 14-16-1 and the certificate of insurance required under this Ordinance for the off-road vehicle being operated.

SECTION 6. In furtherance of the restriction established under I.C. 14-16-1-23(a)(7) prohibiting the operation of off-road vehicles within 100 feet of a dwelling between midnight and 6:00 a.m., and off-road vehicles may not be operated on Spencer County Highways between midnight and 6:00 a.m.

SECTION 7. No person shall operate an off-road vehicle on Spencer County Highways in such a manner which causes damage to the highway or disturbs the surface of the highway. Any violator of this Section, in addition to such penalties set

forth in Section 9 below, shall be responsible for all costs of repair of such damage or disturbance.

SECTION 8. Any law enforcement officer may prohibit operation of an off-road vehicle on a county highway during emergencies,

SECTION 9. A person who operates an off-road vehicle in violation of this Ordinance shall be subject to imposition of the same judgment prescribed for a Class C Infraction as set out in I.C. 34-28-5-4, unless such violation is otherwise designated by a State statute or a rule or regulation promulgated by a State agency or department.

SECTION 11. All law enforcement officers in this state shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by State statutes regarding the enforcement of State laws.

SECTION 12. All ordinances or parts of Ordinances in conflict herewith are repealed.

SECTION 13. If any section, paragraph, sentence, clause or phrase in this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected by such declaration and shall remain in full force and effect.

SECTION 14. This Ordinance shall be in full force and effect from and after its publication as required by law.

Adopted this 18th day of November, 2008.

SPENCER COUNTY BOARD OF COMMISSIONERS

Dan Rininger, President

Thomas Al Logsdon

David Gogel

Attest:

Cindy Shelton, Auditor

Library Board Appointment

The Spencer County Public Library Board asked the commissioners to make an appointment to replace Barbara Scamahorn who is no longer able to serve. Rininger stated that he spoke with Cindy Limp and she would like to be appointed. Logsdon made a motion to appoint Cindy Limp to the Spencer County Public Library Board. Gogel seconded. All in favor.

Common Wage Committee

The Town of Chrisney asked the commissioners to make an appointment to the Common Wage Committee for the US 231 Water Main Relocation Project. Town Attorney Robinson suggested David Dougan for the appointment. Gogel made a motion to appoint David Dougan to the Common Wage Committee. Logsdon seconded. All in favor.

Highway Report

Bid Opening – Painter stated that the bid opening is scheduled for December 1st for the annual highway bids. The bids will then be awarded at the meeting on the 16th.

Road Closing – Painter stated that State Road 245 between Santa Claus and Dale will be closed for 45 days by INDOT. CR 550 E will be designated as an unofficial detour.

Fuel Savings – Painter discussed the fuel savings over the summer while using cost saving measures such as working four days a week for ten hours a day. Painter reported the department used 12% less gasoline, 10% less on-road diesel, and 27% less off-road diesel.

Union Contract – The commissioners will be meeting with the union to discuss the contract on November 26th.

Engineer Report

Engineer Lloyd gave birth to Kendall Marie Lloyd. Mother and daughter are doing well.

Courthouse Christmas Dinner

The Courthouse Christmas Dinner will be held on December 23rd at Noon. The cost is \$10 per person and the money should be turned into the Health Department by December 9th.

Sub-Division Ordinance

Discussion was had on the Subdivision Ordinance and the changes made. Logsdon made a motion to approve Ordinance 2008-16 An Ordinance Amending the Spencer County Subdivision Ordinance by Allowing for

the Release of a Maintenance Bond as a Subdivision is Developed. Gogel seconded. All in favor. The change made in the ordinance reads as follows:

SECTION ONE: Section 5.7 “PERFORMANCE GUARANTEE” of the Spencer County Subdivision Ordinance shall be amended as follows:

“A performance guarantee shall be required from the subdivider in the amount of the estimate approved by the County Engineer, or other appointed official, for 100% of the cost of the proposed improvements. The performance guarantee shall run to the Board and be with good and sufficient surety satisfactory to the Board and as approved by its Attorney, conditioned upon the installation of the required improvements within one (1) year after the approval of the final plat. Filing of the actual bond or other security shall not be required until after the final plat approval, provided that sufficient information concerning the form of guarantee to be used shall be submitted with the final plat documents to provide ample surety to permit the approval of the Commission and the Board. In addition to the provision of a performance bond, a maintenance bond shall be provided by the developer, running to the county, which shall guarantee that such streets as have been constructed for county acceptance will be in acceptable condition at such time as formal agreement for the county to maintain such improvements is made. Such maintenance bond shall become effective at the termination date of the performance bond, or upon completion of construction, whichever is sooner, but it shall remain in effect for a minimum of one (1) year. Such maintenance bond shall be released when at least seventy percent (70%) of the lots are developed or after two (2) years, whichever is sooner, after which period acceptance of the improvements covered shall be made by the county upon approval of the County Engineer. A certificate indicating that the Board has received such performance and maintenance bonds shall be forwarded to the Plan Commission for their record.”

SECTION TWO: All other sections of the Spencer County Subdivision Ordinance remain in full force and effect.

SECTION THREE: This Ordinance shall be in full force and effect upon passage and publication pursuant to Indiana Law.

State Historical Marker

Councilman Kroeger discussed the Indiana Abraham Lincoln Bicentennial Commission’s interest in locating a new Abraham Lincoln commemorative marker in Spencer County.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 4:24 pm.

Board of Commissioners,

President
Attest:

Cindy Shelton, Auditor

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